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FM AMEMBASSY KIGALI
TO SECSTATE WASHDC 5770
INFO AMEMBASSY BUJUMBURA
AMEMBASSY BRUSSELS
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AMEMBASSY KAMPALA

C O N F I D E N T I A L SECTION 01 OF 02 KIGALI 00775

E.O. 12356: DECL:OADR
TAGS: PHUM, PGOV, RW
SUBJECT: JUSTICE AND POLITICS: PM-DESIGNATE
IN THE BLOCKS

1. (C) SUMMARY. COURT CASES AGAINST PRIME
MINISTER-DESIGNATE FAUSTIN TWAGIRAMUNGU BROUGHT BY
THE OPPOSING FACTION OF HIS OWN POLITICAL PARTY, THE
MDR, ARE PILING UP. DECISIONS RENDERED THUS FAR --
ALL ON PROCEDURAL CHALLENGES -- HAVE GONE AGAINST THE

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PM-DESIGNATE. THE APPEALS COURT OF KIGALI RENDERED A
DECISION 2/14 WHICH, IT IS POPULARLY BELIEVED, WILL
FORCE THE LOWER COURT TO DECIDE WHETHER TWAGIRAMUNGU
IS OR IS NOT LEGITIMATELY PRESIDENT OF THE PARTY.
THE PM-DESIGNATE'S LAWYERS, HOWEVER, ARE DETERMINED
TO DELAY WITH APPEALS AND PROCEDURAL CHALLENGES AS
LONG AS POSSIBLE, IN HOPES THAT HE WILL BE SWORN IN
AS PRIME MINISTER, THUS CREATING A MORE FAVORABLE
POLITICAL CLIMATE FOR THEIR CLIENT. SHOULD THE
SUBSTANCE OF THE PM-DESIGNATE'S CASES EVER BE JUDGED,
VERDICTS IN HIS FAVOR IS UNLIKELY UNDER CURRENT

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POLITICAL CIRCUMSTANCES. MEANWHILE THE FARCE IS
LIKELY TO CONTINUE. END SUMMARY.

MDR VS. PM-DESIGNATE TWAGIRAMUNGU

2. (U) THE APPEALS COURT OF KIGALI HAD BEFORE IT
2/14 A CASE INVOLVING PRIME MINISTER-DESIGNATE,
FAUSTIN TWAGIRAMUNGU. THE CASE, BROUGHT AGAINST
TWAGIRAMUNGU BY THE OPPOSING FACTION OF HIS PARTY,
THE MDR, CLAIMS THAT TWAGIRAMUNGU WAS EXPELLED FROM
THE PARTY BY A LEGITIMATE PARTY CONGRESS LAST JULY
AND THUS CAN NO LONGER CLAIM TO BE PARTY PRESIDENT
NOR PRETEND TO SPEAK ON BEHALF OF THE PARTY.

3. (U) LAST SEPTEMBER, A LOWER COURT DECIDED
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AGAINST TWAGIRAMUNGU, REJECTING HIS LAWYERS' ARGUMENT
THAT THE PARTY OFFICERS WHO BROUGHT THE CASE HAD NO
STANDING TO DO SO. THE JUDGES REASONED THAT, BY
INFERENCE, THE POLITICAL PARTY'S STATUTES ACCORDED
THE PLAINTIFFS THAT RIGHT. TWAGIRAMUNGU'S LAWYERS
APPEALED, GIVING THEM THREE MONTHS WITHIN WHICH THE
CASE COULD BE HEARD.

4. (U) THE APPEAL, DELAYED FOR TWO WEEKS BECAUSE OF
CONFUSION OVER NOTIFICATION OF THE DATE OF THE
HEARING, AGAIN WENT AGAINST TWAGIRAMUNGU. THE COURT
DENIED HIS LAWYERS' REQUEST FOR ONE JUDGE TO BE
REMOVED BECAUSE OF HER POLITICAL PROCLIVITIES ON
GROUNDS THAT THE REQUEST SHOULD HAVE BEEN PRESENTED
AT THE FIRST HEARING (WHICH WAS POSTPONED). THE
COURT THEN GRANTED THE PLAINTIFFS REQUEST THAT THE
CASE BE STRICKEN FROM THE RECORD.

5. (U) LAWYERS FOR TWAGIRAMUNGU'S OPPONENTS, HAVE
TOLD EVERYONE, INCLUDING EMBASSY OBSERVER AT THE
APPEAL HEARING, THAT THE COURT DECISION MEANT THAT
THE CASE MUST GO BACK TO THE LOWER COURT AND THE
SUBSTANCE OF THE COMPLAINT DEALT WITH. RADIO RWANDA
BROADCAST THIS SAME ASSESSMENT. THE STREET VERSION

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IS THAT TWAGIRAMUNGU HAS ALREADY LOST THE CASE, I.E.,
THAT HIS EXCLUSION FROM HIS PARTY HAS BEEN AFFIRMED.

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7. (C) TWAGIRAMUNGU'S LAWYERS, HOWEVER, TOLD DCM
THEY WILL APPEAL BOTH DECISIONS OF THE COURT AT THE
APPEAL HEARING TO THE COUR DE CASSATION. IN ONE
APPEAL, TWAGIRAMUNGU'S LAWYERS WILL ARGUE THAT THE
COURT MISAPPLIED THE LAW WHEN IT GRANTED HIS
OPPONENTS' REQUEST TO DISMISS THE APPEAL. THE OTHER
WILL DISPUTE THE DECISION THAT THE REQUEST FOR THE
JUDGE TO BE REMOVED WAS PRESENTED IN AN UNTIMELY
MANNER.

LOSERS VS. TWAGIRAMUNGU

8. (U) FOUR OTHER CASES AGAINST TWAGIRAMUNGU CAME
BEFORE THE LOWER COURT 2/16. IN EACH, MDR MEMBERS
DEFEATED IN THE MDR'S ELECTIONS FOR TRANSITION
NATIONAL ASSEMBLY DEPUTIES CLAIMED TO HAVE BEEN
WRONGFULLY DELETED FROM THE PARTY'S LIST OF DEPUTIES
BY FAUSTIN TWAGIRAMUNGU. THREE CASES WERE HEARD,
AND, AGAIN, ALL DECISIONS, LIMITED AGAIN TO
PROCEDURAL CHALLENGES BY TWAGIRAMUNGU'S LAWYERS,

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C O N F I D E N T I A L SECTION 02 OF 02 KIGALI 00775

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EITHER WENT AGAINST THE PRIME MINISTER-DESIGNATE OR WERE DEFERRED. THE FOURTH CASE AND THE DEFERRED RESPONSES TO TWAGIRAMUNGU'S CHALLENGES WERE SCHEDULED TO BE HEARD AFTERNOON OF 2/18. EACH OF THE PLAINTIFFS COMES FROM THE MDR FACTION OPPOSED TO TWAGIRAMUNGU.

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9. (C) ONE OF TWAGIRAMUNGU'S LAWYERS (PLEASE PROTECT) TOLD DCM HE HAS NO/NO DOUBT THAT THE PRESIDENT'S OFFICE PUT THE DEFEATED DEPUTIES UP TO THEIR COURT CASES. THE PLAINTIFFS SAID IN COURT THAT THEY WERE ONLY FOLLOWING THE PRESIDENT'S ADVICE: TAKING CHALLENGES TO THE DEPUTY LISTS TO THE COURTS.

COMMENT

10. (C) TWAGIRAMUNGU'S LAWYERS HAVE OPTED FOR A STRATEGY TO BUY TIME FOR THE PRIME MINISTER-DESIGNATE BEFORE HAVING TO ARGUE THE SUBSTANCE OF THE CASES

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AGAINST HIM. THEIR HOPE IS THAT, SHOULD THAT TIME EVER COME, THE POLITICAL CLIMATE WILL HAVE CHANGED SIGNIFICANTLY IN HIS FAVOR. SHOULD THE CASES GET TO SUBSTANCE BEFORE THEN, THAT IS BEFORE TWAGIRAMUNGU IS SWORN IN AS PRIME MINISTER, IT IS PROBABLY THAT THE VERDICTS WILL GO AGAINST HIM. SO FAR, THE JUDGES HAVE RESORTED TO TRICKERY (DECISIONS BASED ON DOCUMENTS NOT ENTERED INTO THE RECORD), MISAPPLICATION OF THE LAW, AND DEFERRAL OF JUDGEMENTS TO KEEP TWAGIRAMUNGU ON THE DEFENSIVE. THEY MAY HAVE UNDERESTIMATED THE ENDURANCE, AND THE INTELLIGENCE, OF THEIR ADVERSARIES IN THIS POLITICAL/JUDICIAL FARCE.

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